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Attorney for Defendant
KYLE SMITH

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE SMITH,

Defendant.

Case No. 1:20-cr-00170-DAD-BAM

**STIPULATION REGARDING MOTION
BRIEFING SCHEDULE; AND ORDER**

STIPULATION

Defense counsel has determined it is appropriate and necessary to file a Motion to Suppress regarding evidence located at Mr. Smith's home.

In Addition to the 30,000 pages of discovery previously provided, the government recently produced supplemental discovery in this matter that bears on the Motion to Suppress. Counsel for defendant desires additional time to consult with his client, conduct further investigation, review the supplemental discovery, prepare for an evidentiary hearing, prepare for a possible trial, and to continue to explore a potential resolution of the case.

IT IS HEREBY STIPULATED by and between defense counsel Michael McKneely, and Assistant U.S. Attorneys Justin J. Gilio and Antonio J. Pataca, that the motions filing schedule be SET as follows:

Defense motions due: **October 29, 2021**
Government oppositions due: **December 1, 2021**
Defense replies due: **December 22, 2021**
Hearing on motions: **January 10, 2022**

The parties also stipulate that the Status Conference currently set for October 27, 2021 be vacated and continued until **January 26, 2022**.

Further, the parties stipulate that, pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 (h)(1)(D), (h)(7)(A), (h)(7)(B)(i) and (iv), time shall be excluded in the interest of justice to **January 26, 2022**, to permit review of supplemental discovery, investigation, drafting and filing of motions and hearing on the motions, and preparation for trial.

IT IS SO STIPULATED

DATED: October 15, 2021

MICHAEL McKNEELY,
CRIMINAL DEFENSE ATTORNEY

By: s/ Michael McKneely
MICHAEL McKNEELY
Attorney for Kyle Smith

DATED: October 15, 2021

PHILLIP A. TALBERT
Acting United States Attorney

By: s/ ANTONIO J. PATACA by authorization
JUSTIN J. GILIO
ANTONIO J. PATACA
Assistant United States Attorneys

FINDINGS AND ORDER

Based upon the stipulation and representations of the parties, the proposed motions schedule is adopted and ordered. Further, the status conference hearing set for October 27, 2021 is vacated, and a motion filing schedule be SET as follows:

Defense motions due: **October 29, 2021**
Government oppositions due: **December 1, 2021**

Defense replies due:

December 22, 2021

Hearing on motions:

January 10, 2022 at 10:00 am before

District Judge Dale A. Drozd

IT IS FURTHER ORDERED THAT the Court sets a **January 26, 2022 status** conference hearing **at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.**

The period of time from October 27, 2021, through **January 26, 2022**, is deemed excludable pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A), (h)(7)(B)(i), and (iv), in the interest of justice.

IT IS SO ORDERED.

Dated: **October 18, 2021**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE

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